TXD170 GT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Notice of Application and Preliminary Decision for Hazardous Industrial Waste Permit Renewal

Permit No. 50336

APPLICATION AND PRELIMINARY DECISION. Huntington/Pacific Ceramics, Inc., 3600 Conway Street, Fort Worth, in Tarrant County, Texas 76111 is formerly a ceramic tile manufacturing plant, and has applied to Texas Commission on Environmental Quality (TCEQ) for a permit renewal/major amendment to authorize continued post-closure care of a waste pile closed as a landfill. The major amendment requests changes to the address of the agent in service, revision of the facility geographical coordinates, updates to procedures in the Quality Assurance Project Plan (QAPP), and updates to analytical methods in Table VI.B.3.c. and the QAPP. The facility is located at the address noted above. The facility is located at the address noted above. TCEQ received the application on January 26, 2015. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice:
http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.766666&lng=-97.295833&zoom=13&type=r.

For exact location, refer to application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the City of Fort Worth Central Public Library, 500 West 3rd Street, Fort Worth, Tarrant County, Texas 76102-7305.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to**

everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION All public comments and requests must be submitted within *45 days* from the date of newspaper publication of this notice either electronically at www.tceq.texas.gov/about/comments.html **or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Mr. Ryan S. Gores at Castle & Cooke, Inc. One Dole Drive, Westlake Village, California 91362 at 818-879-6657.

Issuance Date: December 07, 2015

TCEQ Interoffice Memorandum

To: Central Records Files (MC – 199)

Huntington Pacific Ceramics, Ft. Worth
TCEQ SWR No. 38142

Thru: Richard Scharlach, Supervisor

VCP-CA Team 3, VCP-CA Section, Remediation Division

From: Jim Formby Project Manager

VCP-CA Team 3, VCP-CA Section, Remediation Division

Date: August 26, 2014

Subject: **Documentation of achievement of GPRA facility-wide remedy selection (CA-400) and remedy construction complete (CA-550)**

EPA ID No. TXD020335170
CN No.601097785; RN No.100673573
Industrial Hazardous Waste Permit No. 50336

Based on a file review, remedies have been selected for all units and areas of concern (AOCs) subject to RCRA/HSWA, and/or other corrective action activities conducted at the above-referenced facility. The RCRA milestone of facility-wide Remedy Decision (CA400)[1] has been achieved, based on the approval of the proposed remedy at Former Waste Water Treatment Facility on July 17, 2009. Remedies had previously been selected for all other units and AOCs subject to corrective action at the facility.

Based on a file review, physical remedy construction has been completed facility-wide (CA550RC)[2]. Achievement of this milestone is based on the approval of remedy construction at Former Waste Water Treatment Facility on June 10, 2010. Remedy completion or construction had previously been approved for all other units and AOCs subject to corrective action at the facility.

The units and AOCs considered in this evaluation include [list below or attach/appropriately reference supporting information. If CA400 or CA550 code is not applicable, enter N/A in 2nd or 3rd column, respectively.]:

Table 1: RCRA Corrective Action Program

RFI Units & AOCs subject to Corrective Action	Date for CA400-Remedy Decision[1]	Date for CA550-Approval of Remedy Construction/ Completion[2]
N/A	N/A	N/A

TCEQ Interoffice Memorandum

RFI Units & AOCs subject to Corrective Action	Date for CA400-Remedy Decision[1]	Date for CA550-Approval of Remedy Construction/ Completion[2]

Table 2: RCRA Compliance or Corrective Action Monitoring Program

RCRA Regulated, Permitted Units subject to Compliance or Corrective Action Monitoring	Date for CA400-Remedy Decision[1]	Date for CA550-Approval of Remedy Construction/ Completion[2]
N/A	N/A	N/A

Table 3: Other Programs

Interim Status, Unauthorized and Other Units/AOCs	Date for CA400-Remedy Decision[1]	Date for CA550-Approval of Remedy Construction/ Completion[2]
Former Waste Water Treatment Facility	July 17, 2009[6]	June 10, 2010[6]

To date, no additional units subject to corrective action requirements have been identified at the facility.

Jim Formby

JF/jf

cc: Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office, Dallas/Ft. Worth

Footnote References:

1) "The event when the state or EPA formally selects a remedy designed to meet RCRA Corrective Action long-term goals of protection of human health and the environment. This event code also applies when no further corrective action is required because stabilization measure(s) have already been implemented or because the site characterization has demonstrated the attainment of the long-term RCRA Corrective Action goals." See RCRAInfo Data Dictionary for complete event code definition. Each unit and AOC must have an approved remedy for this event code to apply facility-wide.
2) "The event when the state or EPA acknowledges in writing that the RCRA facility has completed construction of a facility's remedy that was designed to achieve long-term

To date, no additional units subject to corrective action requirements have been identified at the facility.

Jason Jordy for KL

Kristy M. Livingston

KML

cc: Ms. Sarah Kirksey, Waste Section Manager, TCEQ Region 10 Office, Beaumont

Footnote References:

1) "The event when the state or EPA formally selects a remedy designed to meet RCRA Corrective Action long-term goals of protection of human health and the environment. This event code also applies when no further corrective action is required because stabilization measure(s) have already been implemented or because the site characterization has demonstrated the attainment of the long-term RCRA Corrective Action goals." See RCRAInfo Data Dictionary for complete event code definition. Each unit and AOC must have an approved remedy for this event code to apply facility-wide.
2) "The event when the state or EPA acknowledges in writing that the RCRA facility has completed construction of a facility's remedy that was designed to achieve long-term protection of human health and the environment, and that the remedy is fully functional as designed, whether or not final cleanup levels or other requirements have been achieved. Remedy construction may also acknowledge the event where no remedy is constructed." See RCRAInfo Data Dictionary for complete event code definition. Each unit and AOC must have an approval of the remedy construction or approval of the decision that no physical construction is needed for this event code to apply facility-wide.
3) Date confirmed through TCEQ correspondence review.
4) Date obtained from RCRAInfo database.
5) Date obtained from facility correspondence.
6) Date obtained from TCEQ database.

H2IRC/6T

HAZARDOUS WASTE PERMIT NO. 50336
ISWR NO. 38142
EPA I.D. No. TXD020335170

Texas Commission on Environmental Quality
Austin, Texas

PERMIT FOR INDUSTRIAL SOLID WASTE MANAGEMENT SITE issued under provisions of TEXAS HEALTH AND SAFETY CODE ANN. Chapter 361 (Vernon)

Name of Permittee:	Huntington/Pacific Ceramics, Inc. 3600 Conway Fort Worth, Texas 76111
Site Owner:	David H. Murdock d/b/a Murdock Investment Company 10900 Wilshire Boulevard, Suite 1600 Los Angeles, California 90024
Registered Agent for Service:	Corporation Service Company 701 Brazos Street, Suite 1050 Austin, Texas 78701
Classification of Site:	Post-closure Care, On-site, Non-commercial Facility

The permittee is authorized to conduct post-closure care in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules of the Commission and other Orders of the Commission, and laws of the State of Texas. This permit does not exempt the permittee from compliance with the Texas Clean Air Act. This permit will be valid until canceled, amended, modified or revoked by the Commission, except that the authorization to manage wastes shall expire midnight, 10 years after the date of renewal permit approval. This permit was originally issued on April 15, 1994.

All provisions in this permit stem from State and/or Federal authority. Those provisions marked with an asterisk (*) stem from Federal authority and will implement the applicable requirements of HSWA for which the Texas Commission on Environmental Quality has not been authorized. Those provisions marked with a double asterisk (**) stem from federal authority only.

ISSUED: JUL 29 2005

For The Commission

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PERMIT TABLE OF CONTENTS (CON'T)

LIST OF ATTACHMENTS:

I. FACILITY DESCRIPTION

A. Size and Location of Site

A permit is issued to Huntington/Pacific Ceramics, Inc. (hereafter called the permittee), to operate a post-closure care facility located at 3600 Conway in Fort Worth, Tarrant County, Texas drainage area of Segment 0806 in the Trinity River Basin North (Latitude 32°46'00", West Longitude 17°41'01"). The legal description of the facility submitted in permit application dated November 17, 2003 is hereby made a part of this permit as "Attachment A". The industrial hazardous waste management facility as delineated by the permittee's application map is hereby made a part of this permit as "Attachment B".

B. Incorporated Application Materials

This permit is based on, and the permittee shall follow the Part A and Part B Industrial and Hazardous Waste Application submittals dated November 17, 2003 and May 27, 2004, the Application Elements listed in "Attachment C", which are hereby approved subject to the terms of this permit and any other orders of the Texas Commission on Environmental Quality (TCEQ).

These materials are incorporated into this permit by reference as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission.

II. GENERAL FACILITY STANDARDS

A. Standard Permit Conditions

The permittee has a duty to comply with the Standard Permit Conditions under 30 Texas Administrative Code (TAC) Section 305.125. Moreover, the permittee has a duty to comply with the following permit conditions:

1. Modification of Permitted Facilities

The facility units and operational methods authorized are limited to those described herein and by the application submittals identified in Provision I.B. (Incorporated Application Materials). All facility units and operational methods are subject to the terms and conditions of this permit and TCEQ rules. Prior to constructing or operating any facility units in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms or conditions of this permit, the permittee must comply with the TCEQ permit amendment/modification rules as provided in 30 TAC Sections 305.62 and 305.69.

[II.A.]

2. Duty to Comply

The permittee must comply with all the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the Commission. Any permit noncompliance, other than noncompliance authorized by an emergency order, constitutes a violation of Resource Conservation and Recovery Act (RCRA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [30 TAC Section 305.142]

3. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

4. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 305, 335, and 350 unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Application data - data used to complete the final application and any supplemental information.

5. Permit Expiration

In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Director. Authorization to continue such activity will terminate upon the effective denial of said application.

6. Certification Requirements

For a new facility, the permittee may not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee may not process, store or dispose of solid waste in the modified portion of the facility, except as provided in 30 TAC Section 305.69 (relating to Solid Waste Permit Modification at the Request of the Permittee) until the following has been accomplished [30 TAC Section 305.144]:

[II.A.6.]

a. The permittee has submitted to the Executive Director and the local Regional Office of the TCEQ, by certified mail or hand delivery, a letter signed by the permittee, and signed and sealed by a Texas Licensed Professional Engineer stating that the facility has been constructed or modified in compliance with the permit. If the certification is being provided to document proper closure of a permitted unit, or to certify installation or repair of a tank system, then the certification must be signed and sealed by an independent Texas Licensed Professional Engineer. Required certification shall be in the following form:

"This is to certify that the following activity (Specify activity, e.g., construction, installation, closure, etc., of an item) relating to the following item (Specify the item, e.g., the particular facility, facility unit, unit component, subcomponent part, or ancillary component), authorized or required by TCEQ Permit No. 50336, has been completed, and that construction of said facility component has been performed in accordance with and in compliance with good engineering practices and the design and construction specifications of Permit No. 50336."

b. A certification report has been submitted, with the certification described in Provision II.A.6., which is logically organized and describes in detail the tests, inspections, and measurements performed, their results, and all other bases for the conclusion that the facility unit, unit component, and/or closure have been constructed, installed and/or performed in conformance with the design and construction specifications of this permit and in compliance with this permit. The report shall describe each activity as it relates to each facility unit or component being certified including reference to all applicable permit provisions. The report shall contain the following items, at a minimum:

(1) Scaled, as-built plan-view and cross-sectional drawings which accurately depict the facility unit and all unit components and subcomponents and which demonstrate compliance with the design and construction specifications approved and detailed in the terms of this permit;

(2) All necessary references to dimensions, elevations, slopes, construction materials, thickness and equipment; and

(3) For all drawings and specifications, the date, signature, and seal of a Professional Engineer who is Licensed in the State of Texas.

c. The Executive Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within 15 days of submission of the letter required by paragraph (a) of this section, the permittee has not received notice from the Executive

[II.A.6.c.]

Director of the intent to inspect, prior inspection is waived and the permittee may commence processing, storage, or disposal of solid waste.

* 7. Land Disposal Restrictions

The permittee shall comply with the land disposal restrictions as found in 40 CFR 268 and any subsequent applicable requirements promulgated through the Federal Register. Requirements include modifying/amending the permittee's waste analysis plan to include analyses to determine compliance with applicable treatment standards or prohibition levels, pursuant to 40 CFR 268.7(c) and 264.13(a).

8. Dust Suppression

Pursuant to 40 CFR 266.23(b)/30 TAC Section 335.214(b), the permittee shall not use waste, used oil, or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment.

9. Permit Reopener

This permit shall be subject to review by the Executive Director five (5) years from the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with currently applicable requirements of the Solid Waste Disposal Act (SWDA) and the rules and regulations of the Commission. The permittee shall submit any information as may be reasonably required by the Executive Director to ascertain whether the facility continues to comply with currently applicable requirements of the SWDA and the rules and regulations of the Commission.

10. Texas Coastal Management Program (Not Applicable)

11. Monitoring of Commercial Hazardous Waste Management Facility Operations (Not Applicable)

12. Failure to Submit Relevant Facts in Permit Application

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the Executive Director, the permittee shall promptly submit the correct information or facts to the Executive Director. [30 TAC Section 305.125(19)]

13. Hazardous Waste Combustion Facility Provision (Not Applicable)

[II.]

B. Recordkeeping and Reporting Requirements

1. Monitoring and Records

a. All data submitted to the TCEQ shall be in a manner consistent with the latest version of the "Quality Assurance Project Plan for the Texas Commission on Environmental Quality for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation and Recovery Act and Underground Injection Control" (TCEQ QAPP).

b. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity. The method used to obtain a representative sample of the material to be analyzed shall be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved in writing prior to use by the Executive Director of the TCEQ. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, 1987, as revised; *Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980, and 1981 supplement, or current adopted edition; RCRA Ground-Water Monitoring: Draft Technical Guidance, 1992*, OSWER Directive 9950.1, or an equivalent method, as specified in the Waste Analysis Plan, Section of the Part B Application, and approved in writing prior to use by the Executive Director. [30 TAC Section 305.125(11)(A)]

c. The permittee shall retain in an organized fashion and furnish to the Executive Director, upon request, records of all monitoring information, copies of all reports and records required by this permit, and the certification required by 40 CFR 264.73(b)(9), for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. [30 TAC Section 305.125(11)(B)]

d. Records of monitoring shall include the following [30 TAC Section 305.125(11)(C)]:

(1) The date, time, and place of sample or measurement;

(2) The identity of individual who collected the sample or measurement;

(3) The dates analyses were performed;

(4) The identity of individual and laboratory who performed the analyses;

[II.B.1.d.]

(5) The analytical techniques or methods used; and

(6) The results of such analyses or measurements.

2. Operating Record

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the permittee shall maintain a written operating record at the facility, in accordance with 40 CFR 264.73. These records will be made available to representatives of the TCEQ upon request.

3. Retention of Application Data

A permittee shall keep records throughout the term of the permit of data used to complete the final application and any supplemental information. All copies of renewals, amendments, revisions and modifications must be kept at a site within the region, in which the site is located and must be made available upon request of TCEQ staff. All materials, including any related information, submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit. [30 TAC Section 305.47]

4. Reporting of Noncompliance

The permittee shall report to the Executive Director of the TCEQ information regarding any noncompliance which may endanger human health or the environment. [30 TAC Section 305.125(9)]

a. Report of such information shall be provided orally within 24 hours from the time the permittee becomes aware of the noncompliance.

b. A written submission of such information shall also be provided within five days of the time the permittee becomes aware of the noncompliance. The written submission shall contain the following:

(1) a description of the noncompliance and its cause;

(2) the potential danger to human health or safety, or the environment;

(3) the period of noncompliance, including exact dates and times;

(4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(5) steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and to mitigate its adverse effects.

[II.B.]

5. Twenty-Four Hour Reporting

The following shall be included as information which must be reported orally within 24 hours pursuant to Title 30 TAC Section 305.125(9): [30 TAC Section 305.145]

a. Information concerning release of any solid waste that may cause an endangerment to public drinking water supplies;

b. Any information of a release or discharge of solid waste, or of a fire or explosion which could threaten the environment or human health or safety, outside the facility. The description of the occurrence and its cause shall include:

(1) name, address, and telephone number of the owner or operator;

(2) name, address, and telephone number of the facility;

(3) date, time, and type of incident;

(4) name and quantity of material(s) involved;

(5) the extent of injuries, if any;

(6) an assessment of actual or potential hazards to the environment and human health or safety outside the facility, where this is applicable; and

(7) estimated quantity and disposition of recovered material that resulted from the incident.

6. Notice Waiver

The Executive Director may waive the five-day written notice requirement specified in Provision II.B.4.b. (Reporting of Noncompliance) in favor of a written report submitted to the Commission within 15 days of the time the permittee becomes aware of the noncompliance or condition. [30 TAC Section 305.145(b)]

7. Biennial Report

The permittee shall prepare and submit to the Executive Director all information and records required by 40 CFR 264.75. By March 1st of each even-numbered year for the preceding odd-numbered year's activities the permittee shall submit either a Biennial Report or letter certifying submission of the above. One copy of the report/letter shall be submitted to the TCEQ Industrial and Hazardous Waste Permits Section and an additional copy shall be submitted to the appropriate TCEQ Regional Office.

[II.B.]

8. Pollution Prevention

Facilities subject to 30 TAC Chapter 335, Subchapter Q - Pollution Prevention: Source Reduction and Waste Minimization, must prepare a five year Source Reduction and Waste Minimization Plan and submit a Source Reduction and Waste Minimization Annual Report (SR/WM Annual Report) to the TCEQ Small Business and Environmental Assistance Division. This report must be submitted annually on the dates specified in the rule.

9. Waste Minimization

The permittee shall annually certify, by January 25th for the previous calendar year, the following information, [40 CFR 264.73(b)(9)]:

a. that the permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the permittee's facility operation to the degree determined to be economically practicable; and

b. that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. This waste minimization certification is to be included in the facility operating records until closure.

10. Annual Detection Monitoring Report

The permittee shall submit an Annual Detection Monitoring Report as required by Provision VI.G. by March 1st of each year.

11. Manifest Discrepancy Report (Reserved)

12. Unmanifested Waste Report (Reserved)

13. Monthly Summary (Reserved)

C. Incorporated Regulatory Requirements

1. State Regulations

The following TCEQ regulations are hereby made provisions and conditions of this permit. Issuance of this permit with incorporated rules in no way exempts the permittee from compliance with any other applicable state statute and/or Commission Rule.

a. 30 TAC Chapter 37, Subchapter P; Financial Assurance for Hazardous and Nonhazardous Industrial Solid Waste Facilities;

[II.C.1.]

b. 30 TAC Chapter 305, Subchapter A: General Provisions;

c. 30 TAC Chapter 305, Subchapter C: Application for Permit;

d. 30 TAC Sections 305.61 - 305.69 (regarding amendments, renewals, transfers, corrections, revocation and suspension of permits);

e. 30 TAC Sections 305.121 - 305.125 (regarding permit characteristics and conditions);

f. 30 TAC Sections 305.127 - 305.129 (regarding permit conditions, signatories and variance procedures);

g. 30 TAC Chapter 305, Subchapter G: Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing and Disposal Permits;

h. 30 TAC Chapter 335, Subchapter A: Industrial Solid Waste and Municipal Hazardous Waste in General;

i. 30 TAC Chapter 335, Subchapter B: Hazardous Waste Management General Provisions;

j. 30 TAC Section 335.152: - Standards;

k. 30 TAC Sections 335.174 (Closure and Post-closure Care of Landfills);

l. 30 TAC Sections 335.153 - 335.155 (regarding reporting of emergency situations and additional reports required);

m. 30 TAC Sections 335.156 - 335.167 (regarding applicability of groundwater monitoring programs and corrective action requirements); and

n. 30 TAC Chapter 350, Texas Risk Reduction Program (TRRP).

2. Federal Regulations

To the extent applicable to the activities authorized by this permit, the following provisions of 40 CFR Part 264, adopted by reference by 30 TAC Section 335.152, are hereby made provisions and conditions of this permit, to the extent consistent with the Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann., Chapter 361 (Vernon), and the rules of the TCEQ:

a. Subpart B -- General Facility Standards;

b. Subpart E -- Manifest System, Recordkeeping, and Reporting;

[II.C.2.]

c. Subpart G -- Closure and Post-closure;

d. Subpart H --Financial Requirements;

e. Subpart N - Landfills; and

f. 40 CFR Part 268 Land Disposal Restrictions.

III. FACILITY MANAGEMENT

A. Operation of Facility

The permittee shall construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31. All equipment and structures used to manage hazardous waste at the facility shall be maintained in proper operating condition.

B. Personnel Training

The permittee shall ensure that all facility personnel involved with hazardous waste management successfully complete a training program as required by 40 CFR 264.16. The permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

C. Security

1. The permittee shall provide and maintain an artificial or natural barrier which completely surrounds the post-closure portion(s) of the facility and shall have a means to control entry, at all times, through gates or other entrances to these same facility areas.

2. The permittee shall post warning signs at all points of access to the post-closure care portion(s) of the facility and along the natural and/or artificial barriers in sufficient numbers to be seen from any approach to that portion of the facility. The signs shall be printed so that they may be clearly read from a distance of at least 25 feet, and shall state "Danger - Unauthorized Personnel Keep Out" in English.

D. General Inspection Requirements

The permittee shall follow the inspection schedule contained in the permit application submittals identified in Provision I.B. and as set out in Table III.D.-Inspection Schedule. The permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d). Any remedial actions taken in response to facility inspections and the date of the remediation shall be included in the inspection records.

[III.]

E. Contingency Plan (Reserved)

F. Special Permit Conditions (Reserved)

IV. WASTES AND WASTE ANALYSIS

A. Waste Analysis Plan (Reserved)

B. Authorized Wastes

Wastes which have historically been managed in the post-closure care unit authorized in Provision V are listed in Table IV.B. Wastes Managed in Permitted Units.

C. Sampling and Analytical Methods

The permittee shall ensure that all waste analyses utilized for waste identification or verification have been performed in accordance with methods specified in the current editions of EPA SW-846, ASTM or other methods accepted by the TCEQ. The permittee shall have a QA/QC program that is consistent with EPA SW-846 and the TCEQ QAPP.

V. AUTHORIZED UNITS AND OPERATIONS

A. Authorized Units

1. The permittee is authorized to operate the facility units listed in "Attachment D" for post-closure care subject to the limitations herein. All waste management activities not otherwise exempted from permitting under 30 Texas Administrative Code (TAC) Section 335.2 shall be confined to the authorized facility units listed in "Attachment D". References hereinafter in this permit to "TCEQ Permit Unit No. ___" shall be to the facility units listed in "Attachment D". All authorized units must be clearly identified as numbered in "Attachment D". These units must have signs indicating "TCEQ PERMIT UNIT NO. ___".

2. The permittee shall prevent inundation of any permitted units and prevent any discharges of any waste or runoff of waste contaminated stormwater from permitted units.

B. Container Storage Areas (Reserved)

C. Tanks and Tank Systems (Reserved)

D. Surface Impoundments (Reserved)

[V.]

E. Waste Piles

The permittee is authorized to perform post-closure care of the permitted closed waste pile subject to the limitation contained herein.

F. Land Treatment Units (Reserved)

G. Landfills (Reserved)

H. Incinerators (Reserved)

I. Boilers/Industrial Furnaces (Reserved)

J. Drip Pads (Reserved)

K. Miscellaneous Units (Reserved)

L. Containment Buildings (Reserved)

VI. GROUNDWATER DETECTION MONITORING

A. Groundwater Monitoring Program

The permittee shall design, construct and maintain a ground-water monitoring program to monitor area ground water throughout the post-closure care period. Groundwater monitoring at the facility shall at a minimum consist of a Detection Monitoring System for the unconfined water-bearing zone located within the composites of fill and alluvial type deposits that overlies the bedrock Fort Worth Limestones and Denton Clay formations. These unconsolidated sediments are variable in color, mostly red and brown but can be light and brown gray. Sediment size ranges from coarse sand to silty clay with occasional gravel present. The Detection Monitoring System shall yield groundwater samples from the uppermost water-bearing zone that represent the quality of background water and the quality of ground water at the point of compliance.

1. Identification of Detection Monitoring Program Unit(s)/Area(s)

The Detection Monitoring Program is specific to the RCRA-regulated unit listed in Table VI.B.3.b.-Unit Groundwater Detection Monitoring System for which groundwater monitoring requirements apply pursuant to 30 TAC Section 335.164.

2. Capabilities of Detection Monitoring Systems

The Detection Monitoring System shall yield groundwater samples from the uppermost aquifer/water-bearing zone that represent the quality of background water that has not been affected by operation of the regulated unit and that represent the quality of ground water passing the point of compliance. This system shall be capable of detecting a release from the regulated unit to the ground water.

[VI.A.]

3. Point of Compliance

The point of compliance for the Detection Monitoring System is defined by a vertical plane, located along the entire periphery of each permitted unit, that extends down into the uppermost aquifer/water bearing zone underlying the regulated unit.

4. Detection Monitoring Program

The permittee is required to install and operate a Detection Monitoring System(s) subject to the limitations contained herein. The Detection Monitoring System wells for each unit/area are listed in Table VI.B.3.b - Unit Groundwater Detection Monitoring System.

a. A Detection Monitoring System shall, at a minimum, consist of two categories of wells, Background and Point of Compliance Wells, which will be used to establish groundwater quality for each RCRA-regulated unit.

(1) Background Wells are those wells that are unaffected by the operations of the unit. The Background Wells are depicted in Attachment E and are also listed in Table VI.B.3.b.-Unit Groundwater Detection Monitoring System.

(2) Point of Compliance (POC) Wells are used to demonstrate compliance with the Detection Monitoring Parameters which are listed on Table VI.B.3.c.-Groundwater Detection Monitoring Parameters. POC Wells are designated in Attachment E and are also listed in Table VI.B.3.b.-Unit Groundwater Detection Monitoring System.

(3) The Detection Monitoring System may also include Supplemental Wells, as necessary, to establish groundwater quality and hydrogeologic conditions of the uppermost aquifer/water-bearing zone.

b. The permittee shall determine groundwater quality in the uppermost aquifer throughout the post-closure care period in accordance with the parameter list and sampling schedule specified in Provisions VI.C.2. and VI.D.2., respectively.

c. The design, construction, maintenance and operation of the authorized components of the Detection Monitoring Program must be in accordance with this permit and approved Part B Permit Application Section VI.B., which is incorporated into this permit through permit Provision I.B.

[VI.A.4.]

d. For each sampling event, water level elevation relative to Mean Sea Level, shall be obtained from each point of compliance, background and supplemental well. The elevation data shall be evaluated to determine if additional point of compliance well(s) are needed in accordance with permit Provision VI.I.

B. Construction, Certification, and Plugging

Wells shall be constructed and maintained so groundwater samples are representative of the aquifer's water quality. A record of drilling and construction details demonstrating compliance with the terms of this permit section shall be prepared in accordance with Attachment F (Well Design and Construction Specifications). Wells constructed prior to issuance of this permit may be utilized as groundwater monitoring wells if they meet the standards of Attachment F (Well Design and Construction Specifications).

1. Well Construction

a. For all groundwater monitor wells to be constructed in accordance with this permit, the permittee shall notify the Executive Director to report the proposed monitor well location and screened interval at least thirty (30) days in advance of the anticipated date of installation or in accordance with an approved schedule for installation. Alternatively, a schedule for installation issued as part of an approved work plan shall constitute such notification. New well construction shall commence upon written approval of the Executive Director within the timeframes specified in this permit.

b. The permittee shall install the wells of the Detection Monitoring System and submit certification of this installation within sixty (60) days of installation, as described in Attachment F (Well Design and Construction Specifications). The Detection Monitoring Wells shall be installed in accordance with the schedule outlined in Attachment F (Well Design and Construction Specifications).

2. Replacement Wells

Prior to installation of a replacement well, the permittee shall submit to the Executive Director for approval, the replacement well specifications and an explanation of why the well is being replaced. For any Detection Monitoring System well to be considered a replacement well and not a new well, the well shall have no design changes from the well being replaced; shall be drilled within fifteen (15) feet of the well being replaced; and shall be installed in accordance with this Provision and Attachment F (Well Design and Construction Specifications).

[VI.B.]

3. Well Management Activities Requiring Permit Modification

a. If the permittee or the Executive Director determines that the well integrity, materials of construction, or well placement no longer enable a well to yield samples representative of groundwater quality from the desired aquifer(s), then the permittee shall submit a permit modification or amendment request to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, describing actions the permittee will take to remedy the situation. The permittee shall also notify the Executive Director within fifteen (15) days of such determination regarding a well.

b. The permittee shall submit a permit modification or amendment request to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, when new POC or Background Wells are to be constructed after issuance of this permit (i.e., if the wells have not been included in the approved Part B Permit Application materials referenced in permit Provision I.B.).

c. The permittee shall submit a permit modification or amendment request, for installation of a new well, to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, when any wells being replaced do not meet the requirements of Provision VI.B.2. for a replacement well.

4. Plugging and Abandonment Procedures

a. If a Detection Monitoring Well listed in Table VI.B.3.b.-Unit Groundwater Detection Monitoring System is plugged and abandoned and a replacement well is not installed in accordance with this permit, then a modification request shall be submitted in accordance with 30 TAC Section 305.69 within 90 days of the plugging and abandonment procedure to update Table VI.B.3.b.-Unit Groundwater Detection Monitoring System of the permit.

b. For all wells to be plugged and abandoned after issuance of this permit, the permittee shall follow the procedures specified in Attachment F (Well Design and Construction Specifications).

C. Detection Monitoring System: Operation

1. Uppermost Aquifer/Water-Bearing Zone Monitored by the Detection Monitoring System

The Detection Monitoring System shall be designed to monitor the ground water in the uppermost aquifer/water-bearing zone. The "uppermost aquifer", as referenced

[VI.C.1.]

in this permit, refers to the unconsolidated sediment (alluvium) overlying the Fort Worth Limestones and Denton Clay Formations. The alluvium ranges in elevation between 525 feet above Mean Sea Level (MSL) to 554 feet above MSL. The top of the uppermost aquifer/water-bearing zone is approximately between 18 and 22 feet below ground surface (BGS). Ground water is typically encountered 19 to 22 feet BGS.

2. Groundwater Detection Monitoring Parameters and Compliance

a. The permittee shall monitor well numbers MW-8, MW-10, MW-E, and MW-A3. The uppermost aquifer's groundwater quality will be evaluated based on the parameters listed in Table VI.B.3.c.-Groundwater Detection Monitoring Parameters. Sampling and Analysis for the Groundwater Detection Monitoring Parameters of Table VI.B.3.c. shall be conducted in accordance with Provision II.B.1.b. of this permit. [30 TAC Section 335.164(1)]

b. Background groundwater quality for a monitoring parameter or constituent shall be based on a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained. The permittee shall determine the concentrations of the detection monitoring parameters and water quality parameters listed in Table VI.B.3.c.-Groundwater Detection Monitoring Parameters for each sample collected.

c. Compliance with the Groundwater Detection Monitoring Parameters listed in Table VI.B.3.c.- Groundwater Detection Monitoring Parameters is defined by the results of the data evaluation of Provision VI.D.4. wherein the groundwater monitoring data for each well does not exhibit evidence of contamination over background values. If any POC Well is determined to be noncompliant with Table VI.B.3.c.- Groundwater Detection Monitoring Parameters at any time during the Detection Monitoring Program, the permittee shall respond and report according to Provision VI.E.1.

3. Post-Closure Care Period

The area listed in Provision VI.A.1. shall remain in the Detection Monitoring Program during any applicable Post-Closure Care Period. After closure activities are completed for a specified unit and certification of closure is received by the Executive Director, any applicable Post-Closure Care period shall begin. If the Post-Closure Care Period has expired and a Statistically Significant Increase (SSI) of the Groundwater Detection Monitoring Parameters of Table VI.B.3.c.-Groundwater Detection Monitoring Parameters has not been confirmed in the ground water, then the permittee shall notify the Executive Director in writing at least 30 days prior to discontinuing the Detection Monitoring Program for the

[VI.C.3.]

specified unit. Within 90 days of the notification, the permittee shall submit a final report to the Commission for the specified unit. The final report shall include the information required by the annual report of Provision VI.G.

4. Waste Management of Recovered Groundwater

a. Recovered ground water from a Detection Monitoring Well with no known contamination may be managed as uncontaminated prior to analysis. Following analysis, if the permittee determines that a Table VI.B.3.c.- Groundwater Detection Monitoring Parameter has an SSI over background value, the recovered shall be managed as contaminated water.

b. Recovered ground water with known contamination which exceeds the Table VI.B.3.c.- Groundwater Detection Monitoring Parameters shall be managed as contaminated water.

D. Sampling and Analysis

1. Sampling and Analysis

The permittee shall follow the methods set out in EPA's RCRA Groundwater Monitoring Draft Technical Guidance Document (November 1992) or an alternate method with prior written approval of the Executive Director to collect and preserve samples withdrawn from groundwater monitoring wells. The collected samples shall be managed (i.e., Chain of Custody and handling procedure), analyzed, and statistically evaluated (i.e., Quality Assurance/Quality Control (QA/QC)) in accordance with the current edition of U.S. EPA Publication SW-846, Test Methods for Evaluating Solid Waste and American Society for Testing and Materials (ASTM) Standard Test Methods or other equivalent methods with prior written approval of the Executive Director.

a. All groundwater analyses required by this permit shall be performed using a QA/QC program where all information, data, and resulting decisions are technically sound, statistically valid, and properly documented. All QA/QC program details shall be put in writing and assignments made to qualified personnel. At a minimum, the program shall conform to the QA/QC program details described in the current edition of U.S. EPA Publication SW-846, Test Methods for Evaluating Solid Waste and American Society for Testing and Materials (ASTM) Standard Test Methods or other equivalent methods accepted in writing by the Executive Director.

b. Groundwater analyses required by this permit shall utilize laboratory methods which are capable of measuring concentrations equal to or less than established background values.

[VI.D.]

2. Sampling and Analysis Frequencies and Parameters

a. Frequencies of sampling shall be monthly, quarterly, semiannually or yearly, depending on the sampling objective. These periods of time are defined below:

(1) "Month" shall be a calendar month;

(2) "Quarter" shall be based on divisions of the calendar year (i.e., January through March, April through June, July through September, October through December);

(3) "Semiannual" shall be based on divisions of the calendar year (i.e., January through June, July through December) and consist of two consecutive quarters;

(4) "Annual" or "Year" shall be four consecutive quarters, beginning with the first quarter. Years shall be designated consecutively, beginning with the "first year", "second year", etc.; and

(5) "Calendar year" shall be based on divisions of the calendar (i.e. January through December).

b. Sampling of wells shall commence during the first complete quarter after issuance of this permit, or during the first quarter of operation if the permit is issued for a new unit. Samples shall be collected during the first thirty (30) days of the specified sampling frequency.

c. In the first and subsequent years of the Detection Monitoring Program, the wells of Table VI.B.3.b. - Unit Groundwater Detection Monitoring System shall be sampled and analyzed according to the schedule listed in Table VI.B.3.c.- Groundwater Detection Monitoring Parameters.

d. Field determination requirements for wells listed in Table VI.B.3.b.- Unit Groundwater Detection Monitoring System consist of the following measurements or observations which shall be established during each sampling event:

(1) Water level measurements relative to Mean Sea Level measured to within 0.01 foot.

(2) Determination of pH, temperature, Specific Conductivity and Turbidity in nephelometric turbidity units, for each well.

[VI.D.2.d.]

(3) Descriptions of water sample appearance (clarity, color, etc.) shall be recorded.

(4) The total depth of each well, which is not equipped with a dedicated pump, shall be measured during each sampling event. The total depth of each well equipped with a dedicated pump shall be measured when pumps are removed for maintenance. At a minimum, the wells with dedicated pumps will be checked for silting every 3 years. The measured total depth shall be compared to the total depth recorded on the well construction log. Should an analysis of the measured and the recorded total depth reveal that the well is silting in, the permittee shall perform such actions necessary (redevelopment, replacement, etc.) to enable the well to function properly.

(5) All wells specified in this permit shall be inspected during each sampling event. Repairs or a proposal for replacement for any affected well shall be performed within ninety (90) days of the routine sampling event inspection which identified the problem well.

3. Statistical Procedures for Data Evaluation

a. For each POC Well sampled during each sampling event, the permittee shall determine whether there is evidence of an SSI in the concentrations of each Groundwater Detection Monitoring Parameter of Table VI.B.3.c. Groundwater Detection Monitoring Parameters when compared to the Background Well groundwater quality data. In determining whether or not an SSI has occurred for a Groundwater Detection Monitoring Parameter of Table VI.B.3.c. - Groundwater Detection Monitoring Parameters, the permittee shall establish if the background values have been exceeded by utilizing the statistical procedures and data evaluation described in the following guidance:

(1) Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities - Interim Final Guidance, U.S. EPA, April 1989; and

(2) Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities - Addendum to Interim Final Guidance, U.S. EPA, June 1992.

b. The statistical procedure that shall be used to determine if an SSI has occurred over background values limits shall be the Analysis of Varaince (ANOVA), Non-Parametric ANOVA, or Test of Proportions for the following unit identified in Provision VI.A.1.: waste pile closed as a

[VI.D.3.b.]

landfill. To employ the selected statistical procedure listed above, the permittee is required to collect a minimum of four samples from each unit's Background and POC Wells during each sampling event.

c. If it is determined that the selected statistical procedure is not appropriate to conduct data evaluation for a specified unit, then the permittee shall select an alternate statistical procedure. Prior to using a statistical

procedure which is different than the one identified in Provision VI.D.3.b. the permittee shall obtain approval from the Executive Director through a permit amendment or modification as specified in 30 TAC Sections 305.62 and 305.69, respectively.

4. Data Evaluation

a. Data evaluations shall be completed within sixty (60) days of the sampling date unless QA/QC procedures show that data is unacceptable and re-analysis or resampling must be performed. In such cases, the Executive Director will be notified as soon as it becomes apparent that the 60-day time limit to conduct data evaluation cannot be met.

b. Data evaluation shall determine whether there is evidence of an SSI for Groundwater Detection Monitoring Parameters listed in Table VI.B.3.c. Groundwater Detection Monitoring Parameters each time groundwater quality is determined at the POC in accordance with 30 TAC Section 335.163(7).

E. Response Requirements for SSI

1. If the permittee has determined an SSI over background values for any of the Groundwater Monitoring Parameters identified in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters in accordance with statistical procedures authorized by Provision VI.D.3. and specified by the permittee, the permittee shall perform the following actions:

a. Notify the Executive Director in writing, within seven (7) days. The notification must indicate which Groundwater Detection Monitoring Parameter(s) of Table VI.B.3.c. - Groundwater Detection Monitoring Parameters has exhibited an SSI.

b. Immediately sample the ground water in all wells of Table VI.B.3.b.-Unit Groundwater Detection Monitoring System which exhibit an SSI for the specified unit and determine whether constituents of Appendix IX of 40 CFR 264 are present, and if so, in what concentrations.

[VI.E.1.]

c. For any Appendix IX hazardous constituent found in the analysis pursuant to Provision VI.E.1.b., the permittee may resample for hazardous constituents within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these detected constituents will form the basis for a Compliance Monitoring Program. If the permittee does not resample for the constituents found pursuant to Provision VI.E.1.b., the hazardous constituents found during the initial Appendix IX analysis will form the basis for the Compliance Monitoring Program.

d. Upon establishing that a release has occurred from a unit(s), the permittee shall submit to the Executive Director a permit amendment or modification to modify the Detection Monitoring Program and a compliance plan application to initiate a Compliance Monitoring Program and/or a Corrective Action Program for the specified unit(s). The permit and compliance plan applications must be submitted based on the following schedule:

(1) If ground water downgradient of the specified unit does not exceed the requirements in 30 TAC Section 335.158 for the proposed groundwater protection standard (GWPS), then within ninety (90) days, the permittee shall submit a permit amendment and a compliance plan application to establish a Compliance Monitoring Program for the specified unit.

(2) If ground water downgradient of the specified unit exceeds the requirements in 30 TAC Section 335.158 for the proposed GWPS requested in the application for a specified unit, and an Alternate Concentration Limit (ACL) is not being proposed in the application in accordance with 30 TAC Section 335.160(b) to establish the GWPS, then within 180 days, the permittee shall submit a permit amendment or modification and a compliance plan application to establish a Corrective Action Program for the specified unit.

(3) If ground water downgradient of the specified unit exceeds the requirements in 30 TAC Section 335.158 for the proposed GWPS requested in the application for a specified unit, and an ACL is being proposed in the application in accordance with 30 TAC Section 335.160(b) to establish the GWPS, then within 180 days, the permittee shall submit a permit amendment or modification and a compliance plan application with an ACL demonstration to establish a Corrective Action Program for the specified unit.

[VI.E.]

2. If the permittee determines that there is an SSI above (or for pH, a statistically significant variation from) background values for the Groundwater Detection Monitoring Parameters specified in Table VI.B.3.c., the permittee may demonstrate a source other than the RCRA-regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In such cases, the permittee shall perform the following actions:

   a. Notify the Executive Director in writing within seven (7) days that the permittee intends to make a demonstration.

   b. Within ninety (90) days, submit a report to the Executive Director which demonstrates that a source other than a RCRA-regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.

   c. Submit to the Executive Director an application for a permit amendment or modification and a compliance plan application to make any appropriate changes to the Detection Monitoring Program at the facility. The applications shall be submitted in accordance with Provision VI.E.1.d.

   d. Continue to monitor ground water in accordance with the Detection Monitoring Program at the facility.

F. Revised Detection Monitoring Program

If the permittee or the Executive Director determines that the Detection Monitoring Program no longer satisfies the requirements of 30 TAC Section 335.164, the permittee must, within ninety (90) days of either the permittee's determination or Executive Director's notification, submit a permit amendment or modification request to make any appropriate changes to the Detection Monitoring Program which will satisfy the regulations.

G. Annual Detection Monitoring Reporting Requirements

The permittee shall submit an Annual Detection Monitoring Report which shall include the following information determined since the previously submitted report:

1. A statement whether an SSI has occurred over background values in any well during the previous calendar year period and the status of any SSI events.

2. The permittee shall include the results of all monitoring, testing, and analytical work obtained or prepared pursuant to the requirements of this permit, including a summary of background groundwater quality values, groundwater monitoring analyses, statistical calculations, graphs and drawings.

[VI.G.]

3. The groundwater flow rate and direction in the uppermost aquifer. The groundwater flow rate and direction of ground water flow shall be established using the data collected during the preceding calendar year's sampling events from the monitoring wells of the Detection Monitoring Program. The permittee shall also include in the report all documentation used to determine the groundwater flow rate and direction of ground water flow.

4. A contour map of piezometric water levels in the uppermost aquifer based at a minimum upon concurrent measurement in all monitoring wells including the supplemental monitoring wells MW-2 and MW-D. All data or documentation used to establish the contour map should be included in the report.

5. Recommendation for any changes.

6. Any other items requested by the Executive Director.

H. Record Keeping Requirements

1. The permittee shall enter all monitoring, testing, analytical, statistical test computation data in evaluating groundwater monitoring data, and inspection data obtained or prepared pursuant to the requirements of this permit, including graphs and drawings, in the operating record at the facility.

2. The operating record shall be made available for review by the staff of the Commission upon request.

I. Compliance Scheduling Requirements

Within two years of issuance of this permit, the permittee shall submit a water level elevation report which provides an analysis of water level data and addresses whether additional point of compliance wells are needed downgradient of the unit to adequately monitor the unit.

VII. CLOSURE AND POST-CLOSURE REQUIREMENTS

A. Facility Closure (Reserved)

B Financial Assurance for Closure (Reserved)

C. Storage, Processing, and Combustion Unit Closure Requirements (Reserved)

D. Surface Impoundment Closure Requirements (Reserved)

E. Landfill Closure and Certification Requirements (Reserved)

[VII.]

F. Containment Buildings Closure Requirements (Reserved)

G. Facility Post-Closure Care Requirements

For each hazardous waste management unit which is closed as a landfill, the permittee shall conduct post-closure care of the unit for a period of at least 30 years after certification of closure of each respective unit. The post-closure period for each closed unit is specified in Table VII.G - Post-Closure Period. Post-closure care shall be performed in accordance with the Post-Closure Plans referenced in Provision I.B., 40 CFR 264.117, and the following requirements:

1. Maintain all storm water conveyance structures in good functional condition.

2. Maintain the cover on the TCEQ Permit Unit No. 1, as applicable, such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover. Any desiccation cracks, erosion, gullying, or other damage shall be repaired upon observance.

3. Maintain a self-sustaining vegetative cover on the capped areas by periodic seeding, fertilizing, irrigation, and/or mowing.

4. Maintain all benchmarks at the facility.

5. Maintain the facility perimeter fence, manned or locked gates, and warning signs in good function condition.

6. Ensure that all entrances to the facility have manned or locked gates.

7. Ensure that the TCEQ has access to the facility.

8. Prepare and submit the Biennial Report required by Provision II.B.7.

9. Perform all ground-water monitoring and related activities specified in Provision VI.A.1. of the permit.

10. Submit the Post-Response Action Care Plan required by 30 TAC 350.33(k). This report shall be submitted with the groundwater monitoring report required by Provision II.B.10.

11. General Post-Closure Requirements

Request for Permit Modification or Amendment
The permittee shall submit a written request for a permit modification or amendment to authorize a change in the approved Post-Closure Plan(s) in accordance with 40 CFR 264.118 (d)(2). The written request shall include a copy of the amended Post-Closure Plan(s) for approval by the Executive Director.

[VII.11.]

Time Frames for Modification/Amendment Request

The permittee shall submit a written request for a permit modification or amendment in accordance with the time frames in 40 CFR 264.118 (d)(3).

12. Post -Closure Notice and Certification Requirements

No later than 60 days after completion of the established post-closure period for each unit, the owner or operator shall submit to the Executive Director, by registered mail with a copy to the TCEQ Regional Office, a certification that the post-closure period for the unit was performed in accordance with the specifications of the approved Post-Closure Plan and this permit. The certification shall be signed by the permittee and a registered professional engineer. Documentation supporting

the independent registered professional engineer's certification must be furnished to the Executive Director upon request until the Executive Director releases the owner or operator from the financial assurance requirements for post-closure under 40 CFR 264.145 (i).

H. Financial Assurance for Post Closure

1. The permittee shall provide financial assurance for post-closure care of all existing units required by this permit in an amount not less than $121,840 (2003 dollars) as shown on Table VII.E.2.- Permitted Unit Post Closure Cost Summary. Financial assurance shall be secured and maintained in compliance with 30 TAC Chapter 37, Subchapter P and 30 TAC 335.152.

Inflation Factor Correction

During the active life of the facility, financial assurance for post-closure care shall be corrected for inflation according to the methods described by 30 TAC §37.131 and §37.141.

2. The permittee shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance.

VIII. LIABILITY REQUIREMENTS

Incapacity of Owners or Operators, Guarantors, or Financial Institutions

The permittee shall comply with 30 TAC §37.71, regarding bankruptcy, whenever necessary.

IX. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

A. Notification of Release From Solid Waste Management Unit

If a solid waste management unit (SWMU) or area of contamination not previously addressed in the RCRA Facility Assessment (RFA) dated September 22, 1993, or any release of hazardous waste or hazardous constituents that may have occurred from any SWMU and/or AOC, is discovered subsequent to issuance of this permit, the permittee shall notify the Executive Director in writing within fifteen (15) days of the discovery. Within forty-five (45) days of such discovery, the permittee shall submit an RFA for that unit or

release which shall be based on U.S. EPA RCRA Facility Assessment Guidance, October 1986, NTIS PB 87-107769. If the RFA indicates a release or suspected release warrants further investigation, the permittee shall comply with the requirements of Provision IX.B. of this permit.

B. Corrective Action Obligations:

The permittee shall conduct corrective action as necessary to protect human health and the environment for all releases of hazardous waste and hazardous constituents from any SWMU. The permittee shall fulfill this obligation by conducting a Corrective Action Program which consists of a RCRA Facility Investigation (RFI) of the unit/area identified. The permittee shall conduct a RFI to determine whether hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX have been released to into the environment. Upon completion of the RFI the Permittee shall submit to the TCEQ either a demonstration that no release occurred or an Affected Property Assessment Report (APAR) showing the vertical and lateral nature and extent of the release. If it is determined that hazardous waste or hazardous constituents have been or are being released into the environment, then the permittee may be required to implement those activities listed in the Response Action Plan (RAP) to protect human health and the environment. Upon completion of the RAP implementation the permittee must submit to the TCEQ, a Response Action Effectiveness Report (RAER) which details the activity that will be taken to remove, decontaminate and/or control chemicals of concern (COC) which may be present at the facility in excess of critical Protective Concentration Levels (PCLs) in the environmental media. The report shall include actions taken in response to releases to environmental media from waste a management unit(s) before, during, or after closure.

Upon Executive Director's review of the Corrective Action Program obligations, the permittee may be required to perform any or all of the following:

1. conduct investigation(s);
2. provide additional information;
3. conduct additional investigation(s);
4. investigate an additional unit(s);
5. proceed to the next task in the Corrective Action Program and/or;
6. submit an application for a new compliance plan or modification to an existing

compliance plan to implement corrective measures.

[IX.B.]

Any additional requirements must be completed within the time frame(s) specified by the Executive Director.

C. Units Requiring Investigation

There are no known units requiring an RFI at this facility.

D. Variance from Investigation:

The permittee may elect to certify that no hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX are or were present/managed in a unit listed in Provision XI.C. in lieu of performing the investigation required in Provisions IX.B.and E., provided that confirming data is submitted for the

current and past waste(s) managed in the respective unit. The permittee shall submit such information and certification(s) on a unit-by-unit basis in the time frame required in Provision IX.E. for review and approval by the Executive Director of the TCEQ. If the not or were not present in a particular unit, the investigation required in Provisions IX.B. and E. shall be performed for the unit.

E. RCRA Facility Investigation (RFI):

Within sixty (60) days from the date of issuance of this permit the permittee shall submit a schedule for completion of the RFI(s) for the SWMU(s) or area(s) of contamination listed in Provision IX.C. to the Executive Director for approval. Also, within sixty (60) days of approval of a RFA Report which recommends further investigation of a SWMU(s) or area(s) of contamination in accordance with Provision IX.A., the permittee shall submit a schedule for completion of the RFI(s) to the Executive Director for approval. The permittee shall initiate the investigations in accordance with the approved schedule and shall address all of the items for RFI Workplans and RFI Reports contained in U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the permittee elects to use an alternate investigation approach, Executive Director approval of the workplan will be required prior to initiation of investigation(s). The results of the RFI must be submitted to the Executive Director for approval within the time frame established in the approved schedule. The APAR must document results of the investigation(s). The report shall be considered complete when the full nature and extent of the contamination, Quality Assurance/Quality Control procedures and Data Quality Objectives are documented to the satisfaction of the Executive Director.

F. Response Action Plan (RAP):

Upon approval of the activities outlined in the APAR, if it is determined that there has been a release into the environment of hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264 Appendix IX, which appears to be

a risk to human health and the environment, then within the time frame(s) specified by the [IX.F.]

Executive Director following approval of the APAR, the permittee shall submit a RAP. This plan shall evaluate the risk, identify and evaluate corrective measure alternatives and recommend appropriate corrective measure(s) to protect human health and the environment. The RAP shall address all of the applicable items in 30 TAC 350 Subchapter B and Subchapter E and the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994.

a. Response Action Completion Report (RACR)

The permittee shall submit a RAP within the time frame required by the Executive Director, not to exceed one-hundred-eighty (180) days from the date of approval of the APAR. The RAP shall address all of the items for Corrective Measures Implementation (CMI) Workplans contained in the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final),

May 1994. If the RAP does not propose a permanent remedy, then a RAP shall be submitted as part of a new compliance plan application or as a modification/amendment application to an existing compliance plan. The RAP shall contain detailed final engineering design and monitoring plans and schedules necessary to implement the selected remedy. Implementation of the corrective measures shall be addressed through a new and/or a modified/amended compliance plan. Upon installation of a corrective action system based upon the approved RAP, the permittee shall submit a RACR. Approval of the RACR places the SWMU in a status of conditional No Further Action, reflecting that the remedy is in place, controls must be maintained, and effectiveness must be monitored. To report the progress of the corrective measures, the permittee shall submit the Post-Response Action Care Report (PRACR) to the TCEQ in accordance with the schedule specified in the compliance plan to show the progress of actions taken.

G. Compliance Plan (Reserved)

X. Air Emission Standards (Reserved)

IX. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

A. Notification of Release From Solid Waste Management Unit

If a solid waste management unit (SWMU) or area of contamination not previously addressed in the RCRA Facility Assessment (RFA) dated September 22, 1993, or any release of hazardous waste or hazardous constituents that may have occurred from any SWMU and/or AOC, is discovered subsequent to issuance of this permit, the permittee shall notify the Executive Director in writing within fifteen (15) days of the discovery. Within forty-five (45) days of such discovery, the permittee shall submit an RFA for that unit or

release which shall be based on U.S. EPA RCRA Facility Assessment Guidance, October 1986, NTIS PB 87-107769. If the RFA indicates a release or suspected release warrants further investigation, the permittee shall comply with the requirements of Provision IX.B. of this permit.

B. Corrective Action Obligations:

The permittee shall conduct corrective action as necessary to protect human health and the environment for all releases of hazardous waste and hazardous constituents from any SWMU. The permittee shall fulfill this obligation by conducting a Corrective Action Program which consists of a RCRA Facility Investigation (RFI) of the unit/area identified. The permittee shall conduct a RFI to determine whether hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX have been released to into the environment. Upon completion of the RFI the Permittee shall submit to the TCEQ either a demonstration that no release occurred or an Affected Property Assessment Report (APAR) showing the vertical and lateral nature and extent of the release. If it is determined that hazardous waste or hazardous constituents have been or are being released into the environment, then the permittee may be required to implement those activities listed in the Response Action Plan (RAP) to protect human health and the environment. Upon completion of the RAP implementation the permittee must submit to the TCEQ, a Response Action Effectiveness Report (RAER) which details the activity that will be taken to remove, decontaminate and/or control chemicals of concern (COC) which may be present at the facility in excess of critical Protective Concentration Levels (PCLs) in the environmental media. The report shall include actions taken in response to releases to environmental media from waste a management unit(s) before, during, or after closure.

Upon Executive Director's review of the Corrective Action Program obligations, the permittee may be required to perform any or all of the following:

1. conduct investigation(s);
2. provide additional information;
3. conduct additional investigation(s);
4. investigate an additional unit(s);
5. proceed to the next task in the Corrective Action Program and/or;
6. submit an application for a new compliance plan or modification to an existing compliance plan to implement corrective measures.

[IX.B.]

Any additional requirements must be completed within the time frame(s) specified by the Executive Director.

C. Units Requiring Investigation

There are no known units requiring an RFI at this facility.

D. Variance from Investigation:

The permittee may elect to certify that no hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX are or were present/managed in a unit listed in Provision XI.C. in lieu of performing the investigation required in Provisions IX.B.and E., provided that confirming data is submitted for the

current and past waste(s) managed in the respective unit. The permittee shall submit such information and certification(s) on a unit-by-unit basis in the time frame required in Provision IX.E. for review and approval by the Executive Director of the TCEQ. If the not or were not present in a particular unit, the investigation required in Provisions IX.B. and E. shall be performed for the unit.

E. RCRA Facility Investigation (RFI):

Within sixty (60) days from the date of issuance of this permit the permittee shall submit a schedule for completion of the RFI(s) for the SWMU(s) or area(s) of contamination listed in Provision IX.C. to the Executive Director for approval. Also, within sixty (60) days of approval of a RFA Report which recommends further investigation of a SWMU(s) or area(s) of contamination in accordance with Provision IX.A., the permittee shall submit a schedule for completion of the RFI(s) to the Executive Director for approval. The permittee shall initiate the investigations in accordance with the approved schedule and shall address all of the items for RFI Workplans and RFI Reports contained in U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the permittee elects to use an alternate investigation approach, Executive Director approval of the workplan will be required prior to initiation of investigation(s). The results of the RFI must be submitted to the Executive Director for approval within the time frame established in the approved schedule. The APAR must document results of the investigation(s). The report shall be considered complete when the full nature and extent of the contamination, Quality Assurance/Quality Control procedures and Data Quality Objectives are documented to the satisfaction of the Executive Director.

F. Response Action Plan (RAP):

Upon approval of the activities outlined in the APAR, if it is determined that there has been a release into the environment of hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264 Appendix IX, which appears to be a risk to human health and the environment, then within the time frame(s) specified by the

[IX.F.]

Executive Director following approval of the APAR, the permittee shall submit a RAP. This plan shall evaluate the risk, identify and evaluate corrective measure alternatives and recommend appropriate corrective measure(s) to protect human health and the environment. The RAP shall address all of the applicable items in 30 TAC 350 Subchapter B and Subchapter E and the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994.

a. Response Action Completion Report (RACR)

The permittee shall submit a RAP within the time frame required by the Executive Director, not to exceed one-hundred-eighty (180) days from the date of approval of the APAR. The RAP shall address all of the items for Corrective Measures Implementation (CMI) Workplans contained in the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final),

May 1994. If the RAP does not propose a permanent remedy, then a RAP shall be submitted as part of a new compliance plan application or as a modification/amendment application to an existing compliance plan. The RAP shall contain detailed final engineering design and monitoring plans and schedules necessary to implement the selected remedy. Implementation of the corrective measures shall be addressed through a new and/or a modified/amended compliance plan. Upon installation of a corrective action system based upon the approved RAP, the permittee shall submit a RACR. Approval of the RACR places the SWMU in a status of conditional No Further Action, reflecting that the remedy is in place, controls must be maintained, and effectiveness must be monitored. To report the progress of the corrective measures, the permittee shall submit the Post-Response Action Care Report (PRACR) to the TCEQ in accordance with the schedule specified in the compliance plan to show the progress of actions taken.

G. Compliance Plan (Reserved)

X. Air Emission Standards (Reserved)

TABLE III.D. INSPECTION SCHEDULE

Facility Unit(s) and Basic Elements	*Possible Error, Malfunction, or Deterioration*	*Frequency of Inspection*
Unit 005 - Closed Waste Pile		
Vegetation	**Inspect for signs of deterioration of vegetative cover that could lead to cap erosion.**	**Monthly**
Run-On and Run-Off Controls	**Check for proper operation and maintenance of controls and signs of cap erosion.**	**Monthly and After Major Storm Event (Greater than 1" Rainfall)**
Wind Dispersal Control System	**Check vegetative cover and clay cap for signs of deterioration.**	**Monthly**
Surface Erosion and Cover Subsidence	**Inspect for signs of erosion or subsidence of cap could lead to exposure of waste soils.**	**Monthly and After Major Storm Event (Greater than 1" Rainfall)**
Clay Cap	**Inspect for Erosion/Standing Water/Dessication Cracks could cause exposure of waste soils.**	**Monthly**
Monitoring Wells	**Inspect Integrity of Well Pads/Protective Covers /Locks/Well Casing/Silt in Wells**	**Monthly**
Site Security Devices	**Inspect for damages to perimeter fence, gates, and locks.**	**Monthly**
Facility Drainage Systems	**Inspect for deterioration and maintenance of drainage controls.**	**Monthly and After Major Storm Event (Greater than 1" Rainfall)**

TABLE IV.B. WASTES MANAGED IN PERMITTED UNITS

No.	*Waste*	*EPA Hazardous Waste Numbers*	*TCEQ Waste Form Codes and Classification Codes*
1	Soils Containing Lead and Zinc	None	Form Code 302 - Soil Contaminated with Inorganics; Class 1, Non-Hazardous (1)

1. See Attachment G for supporting correspondence for this waste classification.

TABLE V.E.1 WASTE PILES

List the waste piles covered by this application. List the waste managed in each unit and the rated capacity or size of the unit.

No.	*Waste Pile*	*N.O.R. Unit #*	*Waste No.s*[1]	*Rated Capacity*	*Dimensions*	*Distance from lowest liner to groundwater*	*Action Leakage Rate (if required)*[2]	*Unit will manage Ignitable, Reactive, Incompatible, or F020, F021, F022, F023, F026, and F027 Waste (state all that apply)*
1	**Former Waste Pile**	**005**	**N/A**	**N/A**	**Approximately 125' x 150'**	**20.7 ft**	**N/A**	**N/A**

[1]from Table IV.B, first column

[2]If not required in accordance with 40 CFR 264.252, state "NOT REQUIRED."

TABLE VI.B.3.b UNIT GROUNDWATER DETECTION MONITORING SYSTEM

For each unit/area which requires groundwater monitoring, specify the number and type of wells which will comprise the groundwater monitoring system for the unit/area. Prepare additional tables as necessary.

Waste Management Unit/Area Name[1]	**Former Waste Pile**					
Well Number(s)	**MW-2**	**MW-8**	**MW-10**	**MW-D**	**MW-E**	**MW-A?**
Hydrogeologic Unit Monitored	Unconfined Trinity Terrace Deposits					
Type (e.g.,, point of compliance, background, observation, etc.)	Supplemental Monitoring Well	Point of Compliance	Point of Compliance	Supplemental Monitoring Well	Background	Point of Compliance
Up or Down Gradient	Down	Down	Down	Down	Up	Down
Casing Diameter and Material	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC
Screen Diameter and Material	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC	2" SCH 40 PVC
Screen Slot Size (in.)	0.010	0.010	0.010	0.010	0.010	0.010
Top of Casing Elevation (ft, MSL)	554.62	553.54	553.25	556.51	557.00	553.82
Grade or Surface Elevation (ft, MSL)	553.54	549.83	549.57	554.21	554.46	550.05
Well Depth (ft,)	27	22	22	27.8	24.5	27
Screen Interval, From(ft) To(ft)	14.4 - 24.4	11.5 - 21.5	9.7 - 19.7	22.7 - 27.7	18.5 - 23.5	15 - 25
Facility Coordinates (e.g., lat/long or company coordinates) N 32°46'00" W 17°41'01"						

[1]From Tables in Section V.

TABLE VI.B.3.c GROUNDWATER SAMPLE ANALYSIS

For each well or group of wells, specify the suite of parameters for which groundwater samples will be analyzed.

Well No(s). MW-8, MW-10, MW-A3, MW-E

Parameter	*Sampling Frequency*	*Analytical Method*	*Detection Limits*	*Concentration Limits*[1]
Total Lead	Semi-Annual	SW6020	0.005 mg/L	(2)
Total Zinc	Semi-Annual	SW6020	0.005 mg/L	(3)
Total Organic Carbon	Semi-Annual	E415.1	0.500 mg/L	(3)

[1] The concentration limit is the basis for determining whether a release has occurred from the waste management unit/area.

(2) The lower of 0.05 mg/L as referenced in 30 TAC 335.160 or the background concentration limit determined by statistical comparison of Compliance Wells to Upgradient Well, MW-E

(3) Background concentration limit determined by statistical comparison of Compliance Wells to Upgradient Well, MW-E

TABLE VII.E.2 PERMITTED UNIT POST-CLOSURE COST SUMMARY

Existing Unit Post-Closure Cost Estimate	
Unit	Cost
Closed Waste Pile	**$121,840**
TOTAL EXISTING UNIT POST-CLOSURE COST ESTIMATE	$121,840 (2003)[5]

Proposed Unit Post-Closure Cost Estimate	
Unit	Cost
N/A	

[5]As units are added or deleted from these tables through future permit amendments or modifications, the remaining itemized unit costs should be updated for inflation when re-calculating the revised total cost in current dollars.

TABLE VII.G - POST-CLOSURE PERIOD

Unit Name	Date Certified Closed	Permitted Post Closure Period (Yrs)	Date Post Closure Ends
Waste Pile (closed)	March 20, 1989	30 years from the date of closure certification	March 20, 2019

PLAT RECORD VOLUME 388-207 Pg. 95

1000 12389 S 7.00 W 0 04/20/87

THE STATE OF TEXAS §
COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

THAT Huntington Tile, Inc., being the owner of the following described property, to-wit:

SITUATED in the City of Fort Worth, Tarrant County, Texas, and being all that certain portion of The Industrial Tract of the Chicago, Rock Island, & Gulf Railway shown in Volume 1853, Page 587, of the Tarrant County Deed Records, conveyed to Huntington Tile, Inc., by Tandycrafts, Inc., by deed recorded in Volume 5927, Page 495, of said Deed Records, and said Huntington Tile tract being more fully described as follows:

BEGINNING at the northwest corner of said Huntington Tile tract in the south line of Conway Avenue (60 foot wide right-of-way as shown on indenture recorded in Volume 2105, Page 342, of said Deed Records), said point being by description 398.0 feet east from the east line of Penland Street;
THENCE East with said south line of Conway Avenue and with the most westerly north line of said Huntington Tile tract, 353.76 feet to the most westerly northeast corner of said Huntington Tile tract and the northwest corner of a tract retained by said Tandycrafts, Inc.;
THENCE South 0 degrees, 01 minute West with an east line of said Huntington Tile tract and the west line of said retained tract, 114.86 feet to the southwest corner of said retained tract and an "L" corner in said Huntington Tile tract;
THENCE South 89 degrees, 40 minutes East with the south line of said retained tract and the most southerly north line of said Huntington Tile tract, 212.26 feet to the southeast corner of said retained tract and another "L" corner in said Huntington Tile tract;
THENCE North with the east line of said retained tract and with the most easterly west line of said Huntington Tile tract, 116.09 feet to the northeast corner of said retained tract and the most easterly northwest corner of said Huntington Tile tract in said south line of Conway Avenue;
THENCE East with said south line of Conway Avenue and the most easterly north line of said Huntington Tile tract, 257.0 feet to the most easterly corner of said Huntington Tile tract at the point of intersection of said south line of Conway Avenue with the northwesterly line of a "private drive" (part of the former Chicago, Rock Island, and Gulf Railroad R.O.W., now standing in the name of the Cities of Fort Worth and Dallas);
THENCE South 54 degrees, 11 minutes West with the southeasterly line of said Huntington Tile tract and said northwesterly line of "private drive", 1033.43 feet to the southwest corner of said Huntington Tile tract at the point of intersection of said northwesterly line of "private drive" with the easterly line of a railroad spur track right-of-way;
THENCE North with the west line of said Huntington Tile tract and with said easterly line of spur track right-of-way, 519.59 feet;
THENCE North 10 degrees, 00 minutes East continuing with said west line of Huntington Tile tract and east line of spur track right-of-way, 86.48 feet to the PLACE OF BEGINNING.

DOES HEREBY ADOPT THE PLAT ATTACHED HERETO as its plan for subdividing same, to be known as LOT 4, PENLAND INDUSTRIAL ADDITION, City of Fort Worth, Tarrant County, Texas, and does hereby dedicate to the use of the public the easements as shown for the purposes shown thereon.

HUNTINGTON TILE, INC.

By: James L. Foster
James L. Foster, Executive Vice President

388-207
95

THE STATE OF TEXAS §
COUNTY OF TARRANT §

This instrument acknowledged before me on March 25, 1987, by James L. Foster, Executive Vice President of Huntington Tile, Inc.

FILED
TARRANT COUNTY
'87 APR 16 P1:38
SUZANNE
COUNTY
BY

Notary Public, State of Texas
My commission expires 6-6-89

05

TRACT 1

DESCRIPTION

BEING part of LOT 4 PENLAND INDUSTRIAL ADDITION, an addition to the City of Ft. Worth, Texas, according to the plat recorded in Volume 388-207 at Page 95 of the Plat Records of Tarrant County, Texas, same also being part of a tract of land conveyed to Huntington Tile, Inc., by deed recorded in Volume 5927 at Page 495 of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner at the intersection of the South line of Conway Avenue (a 60 foot wide right-of-way) with the Northwest line of a "private drive" (part of the Ft. Worth and Dallas Railtrans R.O.W.), same being the Northeast corner of the above mentioned LOT 4 and the above mentioned Huntington Tile tract:

THENCE South 54 degrees 13 minutes 58 seconds West along the said Northwest line of "private drive" and the Southeast line of said LOT 4 for a distance of 455.49 feet to a 1/2-inch iron rod set for corner;

THENCE North 26 degrees 47 minutes 50 seconds East for a distance of 52.58 feet to a 1/2-inch iron rod set for corner;

THENCE South 79 degrees 44 minutes 34 seconds West for a distance of 51.73 feet to a 1/2-inch iron rod set for corner;

THENCE North 00 degrees 30 minutes 49 seconds West for a distance of 113.72 feet to a 1/2-inch iron rod set for corner in the South line of a tract of land conveyed to Tandycrafts, Inc., by deed recorded in Volume 5927 at Page 491 of the Deed Records of Tarrant County, Texas;

THENCE South 89 degrees 42 minutes 20 seconds East along the South line of said Tandycrafts tract for a distance of 186.05 feet to an iron rod found for corner at the Southeast corner of said Tandycrafts tract;

THENCE North 00 degrees 03 minutes 42 seconds East along the East line of said Tandycrafts tract for a distance of 116.09 feet to an iron rod in the said South line of Conway Avenue;

THENCE East along the said South line of Conway Avenue for a distance of 257.00 feet to the POINT OF BEGINNING.

CONTAINING 44,689 square feet or 1.025 acres of land more or less.

Prepared by:

Owen Ayres & Associates, Inc.

Geary Bailey
Registered Professional Land Surveyor No. 4573

STATE OF TEXAS
REGISTERED
GEARY BAILEY
4573
PROFESSIONAL
LAND SURVEYOR

TRACT 2

DESCRIPTION

BEING part of LOT 4 PENLAND INDUSTRIAL ADDITION, an addition to the City of Ft. Worth, Texas, according to the plat recorded in Volume 388-207 at Page 95 of the Plat Records of Tarrant County, Texas, same also being part of a tract of land conveyed to Huntington Tile, Inc., by deed recorded in Volume 5927 at Page 495 of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set for corner in the Southeast line of the above mentioned LOT 4 and the Northwest line of a "private drive" (part of the Ft. Worth and Dallas Railtrans R.O.W.), same being North 54 degrees 13 minutes 58 seconds East 51.88 feet from the Southwest corner of the above mentioned LOT 4 and the above mentioned Huntington Tile tract;

THENCE North 12 degrees 18 minutes 08 seconds East for a distance of 81.04 feet to a 1/2-inch iron rod set for corner;

THENCE North 20 degrees 38 minutes 31 seconds West for a distance of 9.04 feet to a 1/2-inch iron rod set for corner;

THENCE North 11 degrees 46 minutes 02 seconds East for a distance of 40.82 feet to a 1/2-inch iron rod set for corner;

THENCE South 85 degrees 54 minutes 15 seconds East for a distance of 89.21 feet to a 1/2-inch iron rod set for corner;

THENCE South 01 degrees 59 minutes 39 seconds East for a distance of 40.02 feet to a 1/2-inch iron rod set for corner in the said Southeast line of LOT 4;

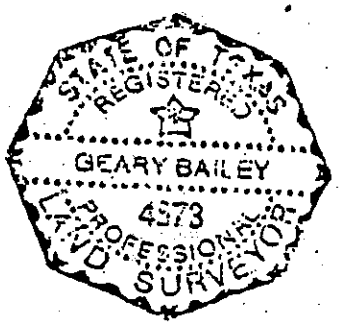
THENCE South 54 degrees 13 minutes 58 seconds West along the said Southeast line of LOT 4 for a distance of 138.99 feet to the POINT OF BEGINNING.

CONTAINING 7,945 square feet or 0.18 acres of land more or less.

Prepared by:

Owen Ayres & Associates, Inc.

Geary Bailey
Registered Professional Land Surveyor No. 4573



Permit No. 50336
achment B
Sheet 1 of 2

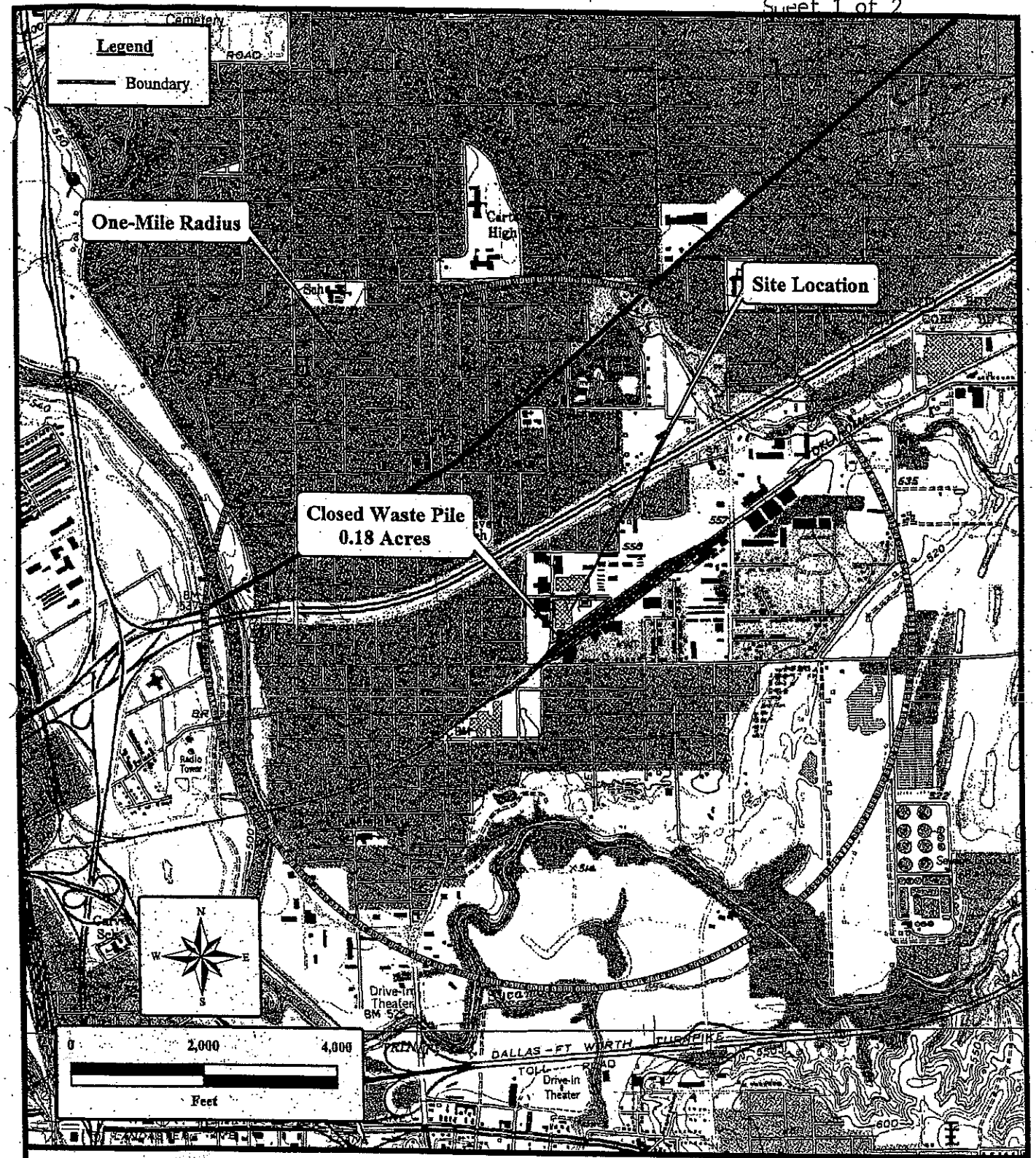


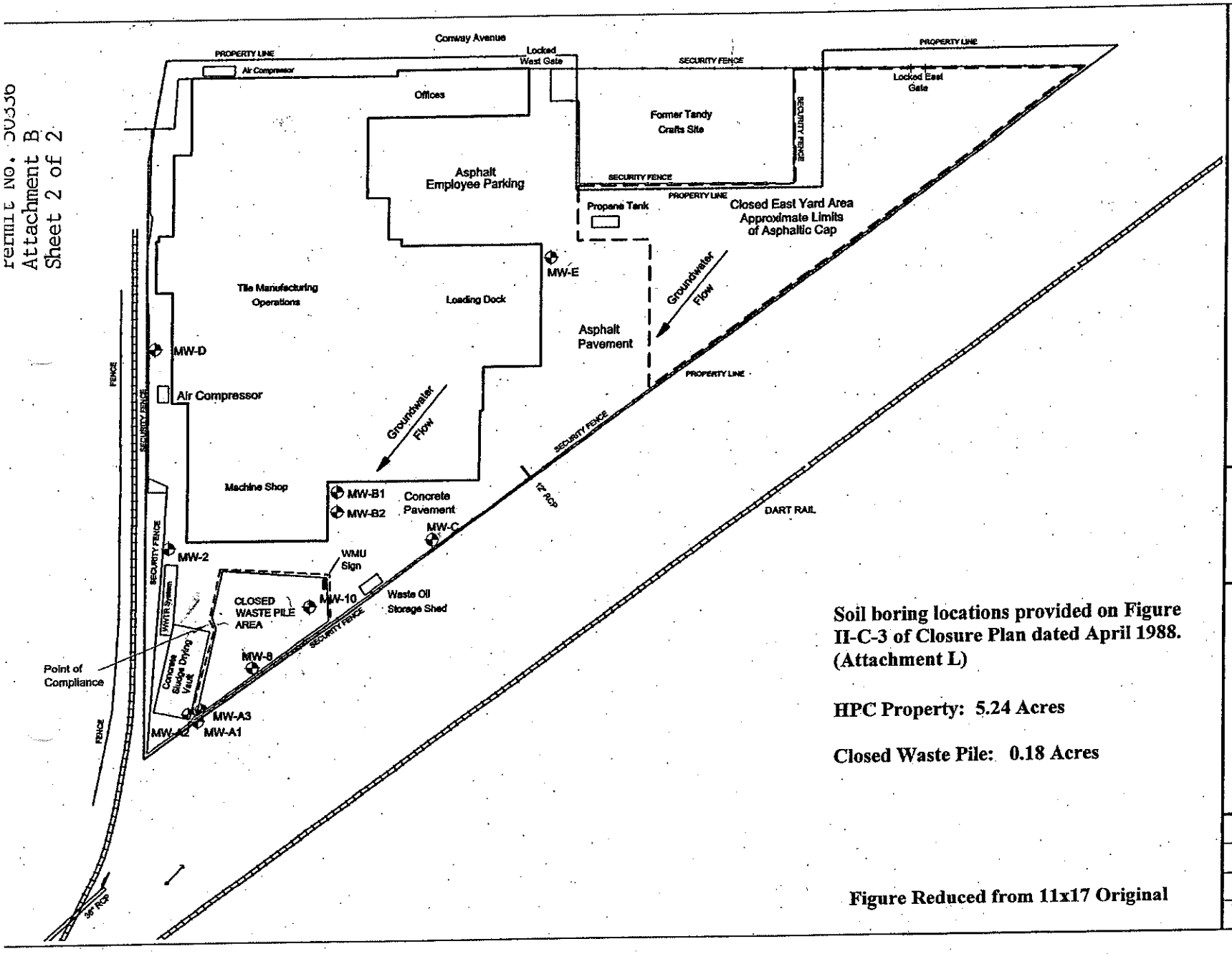
FIGURE C-1 SITE LOCATION MAP

Permit Renewal Application
Huntington Pacific Ceramics
TITAN Project No. 04-13

from USGS Quadrangles Fort Worth & Haltom City, Texas, Maps Published 1981
Digital Data Courtesy TNRIS

TITAN Engineering, Inc.
Environmental Consulting and Management
2340 E. Trinity Mills Road • Suite 250 • Carrollton, Texas 75006
Phone: (214) 390-1400 • Fax: (214) 390-1442
www.titanengineering.com

Permit No. 50350
Attachment B
Sheet 2 of 2



Soil boring locations provided on Figure II-C-3 of Closure Plan dated April 1988. (Attachment L)

HPC Property: 5.24 Acres

Closed Waste Pile: 0.18 Acres

Figure Reduced from 11x17 Original

NOTES

LEGEND

- Monitor Wells (Existing)
- Monitor Wells (Plugged & Abandoned)
- Limits of East Yard Area

N

GRAPHIC SCALE
0 80' 160'

TITAN Engineering, Inc.
2340 E. TRINITY MILLS ROAD
SUITE 250
CARROLLTON, TEXAS 75006
(214) 390-1400 (214) 390-1442 fax
www.titanengineering.com

FIGURE C-2

Monitor Well Location Map

Huntington/Pacific Ceramics, Inc.
3600 Conway
Fort Worth, Texas

DESIGNED BY:	DETAILED BY:	CHECKED BY:
TEI	CSB	CSB

FILE NAME: \\HPC\Part B Renewal Application\Area_Map

DATE:	PROJECT NO.:	PLOT SCALE:
5/28/04	04-13	As Shown
DRAWING NO.:	REVISION:	FIGURE:
TEI-0000	0	1

List of Incorporated Application Materials

The following is a list of Part A and Part B Industrial and Hazardous Waste Application elements which are incorporated into all Industrial and Hazardous Waste permits by reference as per Provision I.B.

TCEQ PART A Application Form

I. General Information
- I.B. - Authorized Agents
- I.C. - Identify entity who will conduct facility operation.
- I.D. - Facility Ownership

III. Wastes and Waste Management
- III.C.1. - Location of Waste Management Units - Topographic Map extending one mile beyond facility.

TCEQ PART B Application Form

I. General Information
- I.A. - Applicant
- I.C. - Facility Location - Address
- I.F. - Wastewater and Stormwater Disposition

II. Facility Siting Criteria (Not Applicable - the facility is an existing, not a new HWM facility)

III. Facility Management
- III.B. - Personnel Training Plan
- III.C. - Security
- III.D. - Inspection Schedule

IV. Wastes and Waste Analysis
- A. Authorized Wastes

V. - Engineering Reports
- V.A.1. - General Information

VI. Geology Report
- VI.B.3. - Description of Current & Proposed Detection Monitoring System
- VI.B.3.a. - Complete Table VI.B.3.a. - Unit Ground-Water Monitoring System
- VI.B.3.b. - Complete Table VI.B.3.b. - Ground-Water Sample Analysis
- VI.B.3.c. - Proposed Detection Monitoring System
- VI.B.3.d. - Drawings Depicting current and proposed monitoring well design.
- VI.B.3.e. - Maps Showing:
  1) Monitor well locations
  2) Soil-pore sampling points
  3) Waste Management Area
  4) Property Boundary
  5) Point of Compliance
  6) Direction of Ground-Water Flow
  7) Extent of any known plume of contamination

VI.B.3.f. - Proposed list of waste specific indicator parameters (Approved list should be included in permit)
VI.B.3.g. - Describe proposed ground water-monitoring system
VI.B.3.h. - Background Values
VI.B.3.i. - Statistical Comparison Procedures to evaluate ground-water monitoring data
VI.B.3.j. - Specify statistical method and process for determining whether constituent concentrations exceed background.

VII. - Closure and Post-Closure Care Plans
VII.C.1. - Post-Closure Care Plan
VII.C.2. - Facility contact during Post-Closure Period
VII.E. - Table VII.E. Post Closure Cost Estimate

VIII. Financial Assurance
VIII.A.3. - Liability Requirements
VIII.B.1. - Applicant Financial Disclosure Statements

IX. - Releases from Solid Waste Units & Corrective Action
IX.B.App. I - Facility and SWMU Location Maps

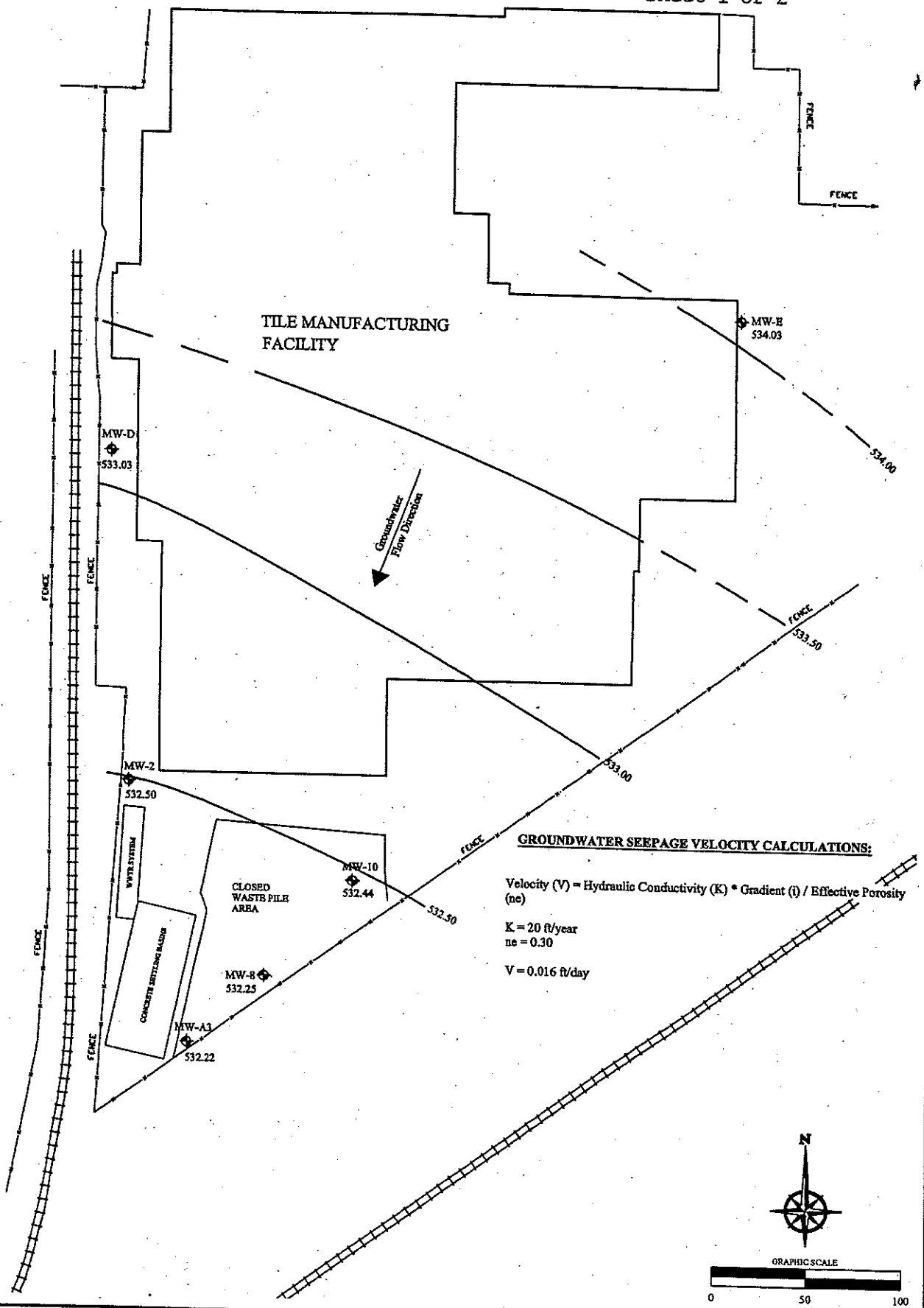
X. Air Emission Standards (Reserved)

XII. Confidential Materials (Reserved)

Authorized Facility Units

TCEQ Permit Unit No.	Unit Name	Unit Description	Capacity
1	Waste Pile (Closed)	Closed as a landfill	75 cubic yards

Permit No. 50336
Attachment E
Sheet 1 of 2



TITAN Engineering, Inc.
2340 E. TRINITY MILLS ROAD
SUITE 250
CARROLLTON, TEXAS 75006
(214) 390-1400 (214) 390-1442 fax
www.titanengineering.com

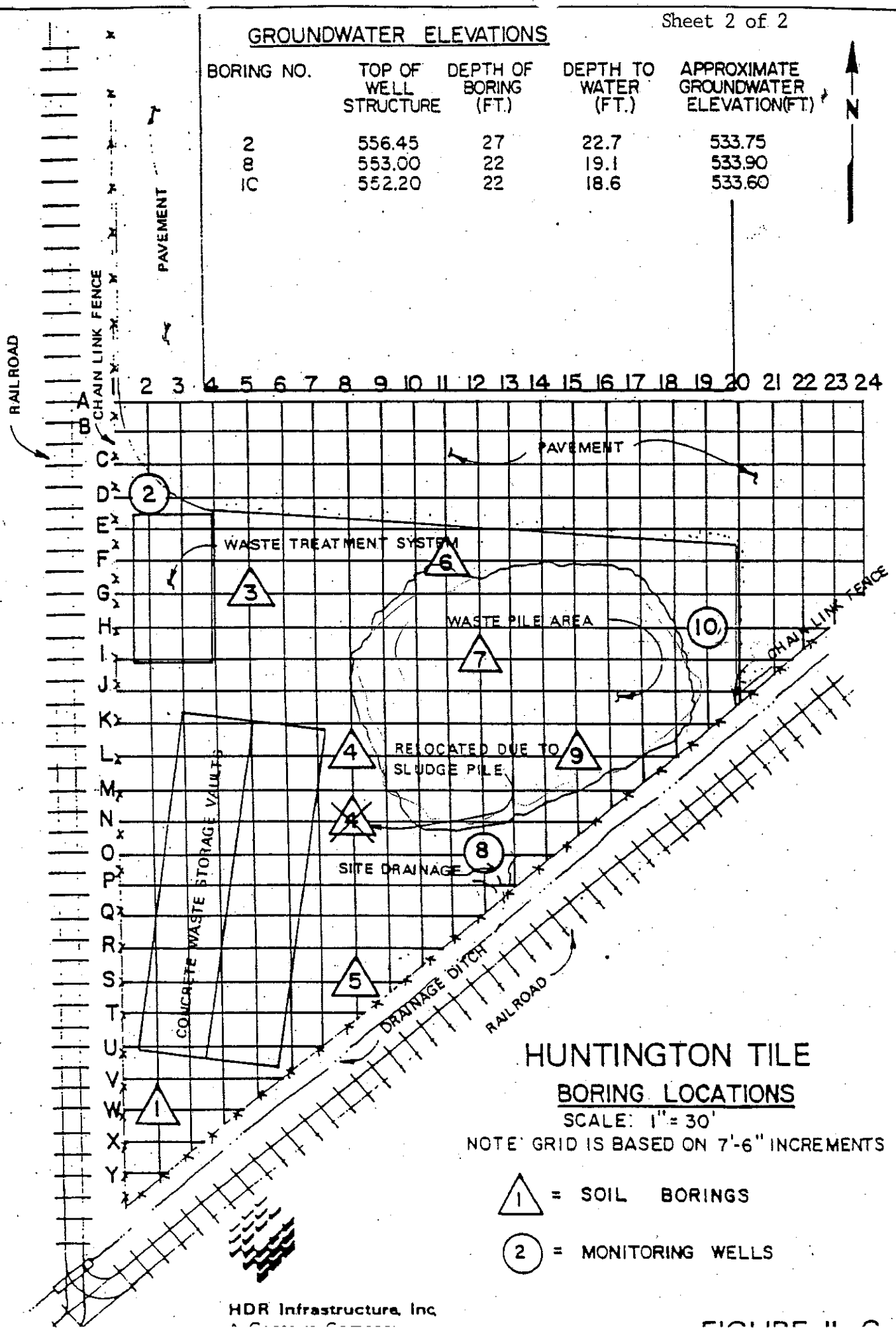
FIGURE 1
GROUNDWATER ELEVATION MAP
April 1, 2004

HUNTINGTON/PACIFIC CERAMICS
Fort Worth, Texas

DESIGNED BY:	DETAILED BY:	CHECKED BY:
TEI	RMW	JFW
FILE NAME: SEMI-ANNUAL_APRIL_2004		
DATE: 04/04	PROJECT NO.: 04-02	PLOT SCALE: 1"=50'
DRAWING NO.: TEI-040201	REVISION: 0	FIGURE: 1

GROUNDWATER ELEVATIONS

BORING NO.	TOP OF WELL STRUCTURE	DEPTH OF BORING (FT.)	DEPTH TO WATER (FT.)	APPROXIMATE GROUNDWATER ELEVATION(FT.)
2	556.45	27	22.7	533.75
8	553.00	22	19.1	533.90
IC	552.20	22	18.6	533.60



HUNTINGTON TILE

BORING LOCATIONS

SCALE: 1" = 30'

NOTE: GRID IS BASED ON 7'-6" INCREMENTS

△1 = SOIL BORINGS

(2) = MONITORING WELLS

HDR Infrastructure, Inc

Attachment F - Well Design and Construction Specifications

1. The Permittee shall use well drilling methods that minimize potential adverse effects on the quality of water samples withdrawn from the well, and that minimize or eliminate the introduction of foreign fluids into the borehole.

2. All wells constructed to meet the terms of this Permit shall be constructed such that the wells can be routinely sampled with a pump, bailer, or alternate sampling device. Piping associated with recovery wells should be fitted with sample ports or an acceptable alternative sampling method to facilitate sampling of the recovered ground water on a well by well basis.

3. Above the saturated zone the well casing may be two (2)-inch diameter or larger schedule 40 or 80 polyvinyl chloride (PVC) rigid pipe or stainless steel or polytetrafluoroethylene (PTFE or "teflon") or an approved alternate material. The PVC casing must bear the National Sanitation Foundation logo for potable water applications (NSF-pw). Solvent cementing compounds shall not be used to bond joints and all connections shall be flush-threaded. In and below the saturated zone, the well casing shall be stainless steel or PTFE.

   The Permittee may use PVC or fiberglass reinforced resin as an alternate well casing material below the saturated zone provided that it yields samples for ground-water quality analysis that are unaffected by the well casing material.

4. The Permittee shall replace any well that has deteriorated due to incompatibility of the casing material with the ground-water contaminants or due to any other factors. Replacement of the damaged well shall be completed within ninety (90) days of the date of the inspection that identified the deterioration.

5. Well casings and screens shall be steam cleaned prior to installation to remove all oils, greases, and waxes. Well casings and screens made of fluorocarbon resins shall be cleaned by detergent washing.

6. For wells constructed after the date of issuance of this Permit, the screen length shall not exceed ten (10) feet within a given transmissive zone unless otherwise approved by the Executive Director. Screen lengths exceeding ten (10) feet may be installed in ground-water recovery or injection wells to optimize the ground-water remediation process in accordance with standard engineering practice.

7. The Permittee shall design and construct the intake portion of a well so as to allow sufficient water flow into the well for sampling purposes and to minimize the passage of formation materials into the well during pumping. The intake portion of a well shall consist of commercially manufactured stainless steel or PTFE screen or approved alternate material. The annular space between the screen and the borehole shall be filled with clean siliceous granular material (i.e., filter pack) that has a proper size gradation to provide mechanical retention of the formation sand and silt. The well screen slot size shall be compatible with the filter pack size as determined by sieve analysis data. The filter pack should extend no more than three (3) feet above the well screen. A silt trap, no greater than one (1) foot in length, may be added to the bottom of the well screen to collect any silt that may enter the well. The bottom of the well casing shall be capped with PTFE or stainless steel or approved alternate material.

Ground-water recovery and injection wells shall be designed in accordance with standard engineering practice to ensure adequate well production and to accommodate ancillary equipment. Silt traps exceeding one (1) foot may be utilized to accommodate ancillary equipment. Well heads shall be fitted with mechanical wellseals, or equivalent, to prevent entry of surface water or debris.

8. A minimum of two (2) feet of pellet or granular bentonite shall immediately overlie the filter pack in the annular space between the well casing and borehole. Where the saturated zone extends above the filter pack, pellet or granular bentonite shall be used to seal the annulus. The bentonite shall be allowed to settle and hydrate for a sufficient amount of time prior to placement of grout in the annular space. Above the minimum two (2)-foot thick bentonite seal, the annular space shall be sealed with a cement/bentonite grout mixture. The grout shall be placed in the annular space by means of a tremie pipe or pressure grouting methods equivalent to tremie grouting standards.

   The cement/bentonite grout mixture or TCEQ approved alternative grout mixture shall fill the annular space to within two (2) feet of the surface. A suitable amount of time shall be allowed for settling to occur. The annular space shall be sealed with concrete, blending into a cement apron at the surface that extends at least two (2) feet from the outer edge of the monitor well borehole for above-ground completions. Alternative annular-space seal material may be proposed with justification and must be approved by the Executive Director prior to installation.

   In cases where flush-to-ground completions are unavoidable, a protective structure such as a utility vault or meter box should be installed around the well casing and the concrete pad design should prevent infiltration of water into the vault. In addition, the Permittee must ensure that 1) the well/cap juncture is watertight; 2) the bond between the cement surface seal and the protective structure is watertight; and 3) the protective structure with a steel lid or manhole cover has a rubber seal or gasket.

9. Water added as a drilling fluid to a well shall contain no bacteriological or chemical constituents that could interfere with the formation or with the chemical constituents being monitored. For ground-water recovery and injection wells, drilling fluids containing freshwater and treatment agents may be utilized in accordance with standard engineering practice to facilitate proper well installation. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.

10. Upon completion of installation of a well, the well must be developed to remove any fluids used during well drilling and to remove fines from the formation to provide a particulate-free discharge to the extent achievable by accepted completion methods and by commercially available well screens. Development shall be accomplished by reversing flow direction, surging the well or by air lift procedures. No fluids other than formation water shall be added during development of a well unless the aquifer to be screened is a low-yielding water-bearing aquifer. In these cases, the water to be added should be chemically analyzed to evaluate its potential impact on in-situ water quality, and to assess the potential for formation damage.

For recovery and injection wells, well development methods may be utilized in accordance with standard engineering practice to remove fines and maximize well efficiency and specific capacity. Addition of freshwater and treatment agents may be utilized during well development or re-development to remove drilling fluids, inorganic scale or bacterial slime. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.

11. Each well shall be secured and/or designed to maintain the integrity of the well borehole and ground water.

12. The Permittee shall protect the above-ground portion of the well by bumper guards and/or metal outer casing protection.

13. Copies of drilling and construction details demonstrating compliance with the items of this provision shall be kept on site. This record shall include the following information:

- name/number of well (well designation);
- intended use of the well(sampling, recovery, etc.);
- date/time of construction;
- drilling method and drilling fluid used;
- well location (± 0.5 ft.);
- bore hole diameter and well casing diameter;
- well depth (± 0.1 ft.);
- drilling and lithologic logs;
- depth to first saturated zone;
- casing materials;
- screen materials and design;
- casing and screen joint type;
- screen slot size/length;
- filter pack material/size;
- filter pack volume (how many bags, buckets, etc.);
- filter pack placement method;
- sealant materials;
- sealant volume (how many bags, buckets, etc.);
- sealant placement method;
- surface seal design/construction;
- well development procedure;
- type of protective well cap;
- ground surface elevation (± 0.01 ft. MSL);
- top of casing elevation (± 0.01 ft. MSL); and,
- detailed drawing of well (include dimensions).

14. The Permittee shall complete construction or abandonment and plugging of each well in accordance with the requirements of this Permit and 16 TAC 76.1000 through 76.1009 and shall certify such proper construction or abandonment within sixty (60) days of installation or abandonment. If the Permittee installs any additional or replacement wells, well completion logs for each well shall be submitted within sixty (60) days of well completion and development in accordance with 16 TAC Chapter 76. Certification of each well shall be submitted within sixty (60) days of installation for an individual well project or within sixty (60) days from the date of completion of a multiple well installation project. The certification shall be prepared by a qualified geologist or geotechnical engineer. Each well certification shall be accompanied by a certification report, including an accurate log of the soil boring, which thoroughly describes and depicts the location, elevations, material specifications, construction details, and soil conditions encountered in the boring for the well. A copy of the certification and certification report shall be kept on-site, and a second copy shall be submitted to the Executive Director. Required certification shall be in the following form:

"This is to certify that installation (or abandonment and plugging) of the following facility components authorized or required by TCEQ Permit No. 50390 has been completed, and that construction (or plugging) of said components has been performed in accordance with and in compliance with the design and construction specifications of Permit No. 50390:" (Description of facility components with reference to applicable permit provisions).

15. The Permittee shall clearly mark and maintain the well number on each well at the site.

16. The Permittee shall measure and keep a record of the elevation of the top of each well casing in feet above mean sea level to the nearest 0.01 foot and permanently mark the measuring point on the well. The Permittee shall compare old and new elevations from previously surveyed wells and determine a frequency of surveying not to exceed five (5) year intervals.

17. Wells may be replaced at any time the Permittee or Executive Director determines that the well integrity or materials of construction or well placement no longer enable the well to yield samples representative of ground-water quality.

18. The Permittee shall plug soil test borings and wells removed from service after issuance of the Compliance Plan with a cement/bentonite grout mixture so as to prevent the preferential migration of fluids in the area of the borehole. Certification of each plugging shall be reported in accordance with Provision 14 of this attachment to this permit. The plugging of wells shall be in accordance with 16 TAC § 76.1000 through § 76.1009 dealing with Well Drilling, Completion, Capping and Plugging.

19. A well's screened interval shall be appropriately designed and installed to meet the well's specific objective (i.e., either DNAPL, LNAPL, both, or other objective of the well). All wells designed to detect, monitor, or recover DNAPL must be drilled to intercept the bottom confining layer of the aquifer. The screened interval to detect DNAPL should extend from the top of the lower confining layer to above the portion of the aquifer saturated with DNAPL. The screened interval for all wells designed to detect, monitor, or recover LNAPL must extend high enough into the vadose zone to provide for fluctuations in the seasonal water table. In addition, the sandpacks for the recovery or monitoring well's screened interval shall be coarser than surrounding media to ensure the movement of NAPL to the well.

TXD 020335170

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

H21R4167

NOTICE OF RECEIPT OF APPLI
INTENT TO OBTAIN HAZARDOUS/INDUST
RENEWAL

359047

PERMIT NO. 50336

APPLICATION. Huntington/Pacific Ceramics, Inc., 3600 Conway, Fort Worth, Texas 76111 a closed ceramics tile manufacturer has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit renewal to authorize the continued groundwater monitoring of the closed waste pile. The facility is located at the address listed above in Tarrant County, Texas. This application was submitted to the TCEQ on November 19, 2003. The permit application is available for viewing and copying at the City of Fort Worth Public Library (Central), 500 West 3rd Street, Fort Worth, Texas 76102.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application. After completion of the technical review, the TCEQ will issue a Notice of Application and Preliminary Decision.

PUBLIC COMMENT / PUBLIC MEETING.
You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

Written public comments and requests for a public meeting must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

ADDITIONAL NOTICE. After technical review of the application is completed, the executive director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list or the mailing list for this application. That notice will contain the final deadline for submitting public comments.**

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who is on the mailing list for this application. If comments are received,**

the mailing will also provide instructions for requesting reconsideration of the executive director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn.

MAILING LIST. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from Huntington/Pacific Ceramics, Inc. at the address stated above or by calling Mr. Christopher S. Browning, P.E., Principal, at 214-390-1400 Extension 106.

Issued: December 9, 2003